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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,105	01/19/2001	Toshikazu Ito	00248CONT	5352

23338 7590 10/27/2003

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EXAMINER

LEE, EDMUND H

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/764,105

Applicant(s)

ITO ET AL.

Examiner

EDMUND H. LEE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8-37 is/are pending in the application.
- 4a) Of the above claim(s) 9-11 and 24-27 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13, 14, 18, 19, 32 and 33 is/are allowed.
- 6) ☒ Claim(s) 8, 12, 15-17, 20-23, 28-31 and 34-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### DETAILED ACTION

1. Applicant's election with traverse of claims 20-22 and 34-36 in Paper No. 5 is acknowledged. The traversal is on the ground(s) that the term "relative to" indicates movement of either the port or panel. This is not found persuasive because the claims 20-22 and 34-36 clearly disclose that the extrusion port is fixed and the panel is rotated, whereas claims 9-11 and 24-27 clearly disclose *moving the port* relative to the panel. The term "relative to" indicates that the *movement of the port* is related to the panel.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 9-11 and 24-27 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 5.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 8,12,15,16,17,23,28,29,30,31, and 37 are rejected under 35

U.S.C. 102(e) as being anticipated by Kunert et al (USPN 5057265). Kunert et al teach the claimed process as evident by col 2, ln 1-col 10, ln 23 and figs 2-6.

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5. Claims 20-21 and 34-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Chenel et al (USPN 4120999). Chenel et al teach the claimed process as evident by col 4, ln 65-67 and figs 1-8.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chenel et al (USPN 4120999) in view of Kunert et al (USPN 5057265). The above teachings of Chenel et al are incorporated hereinafter. Chenel et al does not teach inserting the edge of the panel into the port. Kunert et al teach extruding a frame onto a panel (col 2, ln 1-col 10, ln 23 and figs 2-6); and inserting the panel into an extrusion port during the extrusion molding step (col 2, ln 1-col 10, ln 23 and figs 2-6). Chenel et al and Kunert et al are combinable because they are analogous with respect to extrusion molding a frame onto a panel. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the extrusion port of Kunert et al in the process of Chenel et al in order to precisely extrusion mold a frame.

8. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chenel et al (USPN 4120999) in view of Kunert et al (USPN 5057265). The above teachings of Chenel et al are incorporated hereinafter. Chenel et al does not teach inserting the edge of the panel into the port. Kunert et al teach extruding a frame onto a panel (col 2,

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In 1-col 10, In 23 and figs 2-6); and inserting the panel into an extrusion port during the extrusion molding step (col 2, In 1-col 10, In 23 and figs 2-6). Chenel et al and Kunert et al are combinable because they are analogous with respect to extrusion molding a frame onto a panel. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the extrusion port of Kunert et al in the process of Chenel et al in order to precisely extrusion mold a frame.

9. Claims 13,14,18,19,32 and 33 are allowed.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is 703.305.4019. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 703.305.5493. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.0661.

  
EDMUND H. LEE  
Primary Examiner  
Art Unit 1732  
10/21/03

EHL